IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.3223 of 2005

Mohd Yusuf Mohd Eliyas Ansari ....Petitioner
vs
The Mun Corpn Malegaon and ors.....Respondents

Dr B R Naik with Prashant Naik for petitioner
Mr R.D.Rane GP for respondent nos.2 to l9
Mr S M Sabrad for respondent nos.l,4 and 6
Mr. N.V.Walawalkar for respondent no.3

CORAM: A.P.SHAH & D.Y CHANDRACHUD JJ.

Dated l4.6.2005

P.C:

l . By no confidence motion dated 2.4.2005 the petitioner was removed from the post of Chairman of the Municipal School Board. The no confidence motion was passed against him by requisite 2/3rd majority in the meeting held on 2.4.2005. The resolution has been challenged mainly on three counts. First, it is contended that section l0(2) of the Bombay Primary Education Act is discriminatory and violative of Art l4 of the Constitution. It is urged that under section l0 the Chairman or Vice Chairman can be removed from the office by a resolution passed by the School Board by 2/3rd majority whereas a member of the School Board can be removed under section 9 only on the ground of misconduct. The contention is stated

only to be rejected. Section 9 deals with the case of a member of School Board whereas section l0 deals with the posts of Chairman and Vice Chairman who are elected from amongst the members of the School Board. Thus the question of discrimination does not arise.

2. The second contention is that grounds for no confidence were not furnished to the petitioner and therefore the resolution is bad in law. This contention is equally unfounded. Section l0(2) contemplates vote of no confidence by requisite 2/3rd majority of the School Board.There is no provision for furnishing grounds for passing a resolution.

3. Lastly it is contended that the meeting was convened before the expiry of statutory period of two weeks. This contention is contrary to the record. Record shows that the requisition to consider the no confidence motion was convened after the expiry of the statutory period of two weeks. Thus there is no substance in any of the contentions raised on behalf of the petitioner. Petition is dismissed.